

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES OF AMERICA,	)	
	)	Miscellaneous No. __23-1272__
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CHARTER CHOICES, INC.,	)	
	)	
Respondent.	)	

**PETITION TO ENFORCE CIVIL INVESTIGATIVE DEMAND NO. 2023-24-WDPA**

NOW COMES the United States of America and petitions this Court pursuant to 31 U.S.C. § 3733(j)(1) for an order enforcing Civil Investigative Demand No. 2023-24-WDPA (the “CID”) and compelling Charter Choices, Inc. (“Respondent”), the recipient of the CID, to produce documents in response to that CID. In support of its Petition, the United States files a supporting Memorandum of Law and Proposed Order, and states as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over the instant action under 31 U.S.C. § 3733(j)(1), 31 U.S.C. § 3733(j)(5), and 28 U.S.C. § 1345.
2. Venue is proper in this district under 31 U.S.C. § 3733(j)(1), as Respondent transacts business in the Western District of Pennsylvania.
3. The United States Department of Justice is an executive agency of the United States responsible for enforcing the provisions of False Claims Act, 31 U.S.C. §§ 3729-3733 (the “False Claims Act”).
4. Respondent is an educational consultant based in Glenside, Pennsylvania.

5. In the False Claims Amendments Act of 1986, Congress authorized the Attorney General of the United States to issue CIDs to persons who may be in possession, custody, or control of documents or information “relevant to a false claims law investigation.” 31 U.S.C. § 3733(a)(1).

6. The statute provides, in part, that in connection with a False Claims Act investigation, “the Attorney General may, before commencing a civil proceeding under Section 3730 or other false claims law, issue in writing and cause to be served ... a civil investigative demand ...” 31 U.S.C. § 3733(a)(1).

7. Section 3730(a) of the False Claims Act provides, in part, that “[i]f the Attorney General finds that a person has violated or is violating Section 3729 [of Title 31], the Attorney General may bring a civil action under the section against the person.”

#### **ISSUANCE OF, AND FAILURE TO RESPOND TO, THE CID**

8. On April 14, 2023, the United States – as part of its ongoing False Claims Act investigation – interviewed one of Respondent’s employees.

9. During – and after – that interview, Respondent’s counsel agreed to produce certain documents to the United States, and to do so “informally,” without the need for a CID.

10. On April 20, 2023, the undersigned counsel sent Respondent’s counsel an email, attaching exactly such an “informal” request for the production of documents. (*See* Ex. A, hereto.)

11. Over the next week, Respondent’s counsel verified receipt of the email and request for the production of documents, and pledged to compile, organize, and produce documents in response the request. (*See* Ex. B, hereto.)

12. However, no such production came. Despite multiple follow-up emails from the undersigned (and an email from the Respondent's employee indicating she had provided Respondent's counsel with the responsive documents), Respondent never made any production. (*See* Ex. C, hereto.)

13. As a result, on July 21, 2023, the undersigned served Respondent – care of its counsel – with the CID, requesting the same set of documents that had previously been requested informally. (*See* Ex. D, hereto.) The CID directed Respondent to produce 13 categories of documents relating to its relationship with Pennsylvania Coalition of Public Charter (“PCPCS”), and its work on a \$30 million federal grant PCPCS applied for and received in 2020. Respondent's response to the CID was due no later than August 10, 2023.

14. To date, and despite a multitude of post-service phone and email messages to Respondent's counsel (*see, e.g.*, Exs. E, F & G, hereto), Respondent has not provided the United States with any responsive documents to the CID, and has not served any objections to, or filed any petition to modify or set aside, the CID.

#### **GROUND FOR ENFORCING THE CID**

15. Pursuant to its authority under 31 U.S.C. §§ 3733(j)(1) and (j)(5), and for the reasons more fully explained in the United States' contemporaneously filed Memorandum of Law, the Court should enter an order enforcing the CID and requiring Respondent to produce any responsive documents in its possession, custody, or control.

**PRAYER FOR RELIEF**

WHEREFORE, the United States respectfully requests that this Court:

- (a) Order Respondent Charter Choices, Inc. to show cause why it should not comply with CID No. 2023-24-WDPA;
- (b) Order Respondent Charter Choices, Inc. to provide to the United States a full response to the CID, including all responsive documents, and a declaration of compliance, within twenty-one (21) days of the date of such order; and
- (c) Grant such other and further relief as the Court may deem just and proper.

Dated: November 15, 2023

Respectfully submitted,

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